

LARRY McDONALD, )  
)  
Plaintiff, )  
)  
v. ) Case No.4:10CV12 TIA  
)  
JOHN WILLIAMS, )  
)  
Defendant. )

This matter is before the Court upon its own motion. Plaintiff filed the instant action on November 25, 2009.<sup>1</sup> Plaintiff's allegations arise from his incarceration within the Missouri Department of Corrections ("MDOC"). Plaintiff filed a "Motion to Proceed in Forma Pauperis and Affidavit in Support – Prisoner Cases" [Doc. #2]; however, plaintiff's address indicates that he has been released from the MDOC. Given that plaintiff is no longer incarcerated, and apparently was not incarcerated at the time that he filed this action, the Court will grant him twenty (20) days in which to submit a "Motion to Proceed without Prepayment of Costs" and "Financial Affidavit - CJA 23" or to pay the filing fee, as set forth below.

**IT IS HEREBY ORDERED** that the Clerk of Court shall provide plaintiff with the court forms entitled “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23.”

<sup>1</sup>The Court notes that this complaint was transferred from the United States District Court for the Western District of Missouri which, prior to transfer, granted plaintiff provisional leave to proceed in forma pauperis.

**IT IS FURTHER ORDERED** that plaintiff shall have twenty (20) days from the date of this Order to pay the statutory filing fee of \$350.00 or to submit a fully completed and signed “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23.”

**IT IS FURTHER ORDERED** that if, within twenty (20) days from the date of this Order, plaintiff fails to pay the filing fee or fails to submit a fully completed and signed “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the case shall be dismissed, without prejudice.

**IT IS FURTHER ORDERED** that, if plaintiff timely submits a “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the Clerk shall cause this case to be resubmitted to the Court for review under 28 U.S.C. § 1915.<sup>2</sup>

Dated this 13th day of January, 2010.

/s/ Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup>If plaintiff pays the filing fee, he will be responsible for serving the summons and complaint upon the defendants. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m). Plaintiff is advised that he may seek guidance on serving the defendants from the Office of the Clerk.